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Policy & Practice

MUNICIPAL LANDS

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TOWN PLANNING & LANDS
DEPARTMENT OF LOCAL GOVERNMENT
GOVERNMENT OF THE NORTHWEST TERRITORIES
CANADA



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MUNICIPAL LANDS POLICY & PRACTICE

Introduction

No statement of policy and practice can be isolated from the legal aspect. Law reflects policy and determines much of procedure. However, so far as possible within this paper the statutory provisions which govern the survey and conveyance of land have been reserved for Appendix A. Anyone not familiar with them is advised to read that appendix before turning to page 2. Some portions of what is here given as policy will in due course be placed before the Territorial Council for enactment in the ordinances. Municipalities are welcome to propose any changes which in their opinion would improve the conduct of lands business.

The disposal of land through municipalities, however skilled they become in the process, will not abolish all of the delays that are characteristic of lands business; the municipalities will be no more able than are the Federal or Territorial Governments to by-pass legal formalities. However, the Government stands ready to make any changes in policy and practice and to seek any changes in the statutes which will speed the lands processes without detriment to the public interest. Land management within the Territories being in many ways new and experimental, we may expect that experience alone will reveal the need for periodic review.

Definitions

As used in this paper the word 'government' means the Government of the Northwest Territories, 'Commissioner's land' is land which is under the administration and control of the government, 'disposable land' means land which is not required for government purposes and which is not otherwise reserved or committed, and 'public land' means land not privately owned, i.e. Federal, Commissioner's or Municipal land.

Municipal Lands Policy and Practice

It is the policy of the Government of the Northwest Territories

- 1 to encourage growth while ensuring optimum use of land through good planning,
- 2 to consult the appropriate municipality on all matters of planning and the use and disposal of land,

- 3 to delegate to the municipal level, in stages according to proven capability, the responsibilities for town planning and disposal of land to the public, and
- 4 to ensure that lands business is transacted in ways that are manifestly in the public interest and fair to all concerned.

Land Adjacent to Municipalities

Regulations
& 5
Applications

In regard to the land area outside and adjacent to the boundaries of a municipality, the government will consult the municipality on the establishment of any Area Development Regulations for the control of land use, and on all applications for Commissioner's Land.

Government Disposal of Land Within Municipalities

Review of
Applica-
tions

- 6 Sections 7 to 12 below will be superseded in any municipality which makes a Sole Vendor agreement as outlined in Section 55.
- 7 The government will submit all land applications to the municipal council for review and recommendations. Applications are understood to include requests for any change in the status of land such as the renewal or extension of leases and the granting of a title, reservation or right to occupy.
- 8 The government will not entertain any application which does not conform to zoning by-laws. Requests of this kind will be referred to the municipal office.
- 9 In reviewing a land application a municipal council may consider, in addition to zoning, any other aspect of the applicant's proposed land use which might affect the development and wellbeing of the community. If the council's recommendation is negative or if changes are suggested the reasons must be stated.
- 10 Municipal councils must be prepared to deal with difficult and sensitive questions and to render firm recommendations.
- 11 Though not legally bound by a municipal council's recommendation's or by-laws, the government will as a matter of policy consider them before taking any action on a land application. The government will consult further with the municipality if its own views differ and in all cases will inform the municipality of its decisions.
- 12 In the valuation of land for sale or lease to individuals and companies these factors -- where applicable -- are considered: size of land parcel; proposed use (residential, commercial, etc.); grade level; access to highway, stream or lake; distance from population centre; desirability of location; government's estimated or known costs

Govern-
ment
land
pricing

to date (survey, roads, site preparation, servicing, administration, purchase); prevailing land prices; assessed or appraised value.

Some financial gains are made by the sale of unserviced lands but elsewhere they are more than offset by the subsidy of water and sewer services. Generally, the plant costs are written off in a new or old townsite being serviced for the first time, and only the cost of water and sewer mains is charged against the serviced land. Costs may be included in the sale price of the land or recovered by frontage taxes. The final policy depends on future decisions on capital cost recoveries.

Under the Commissioner's Land Regulations the annual rental of leased land is set at 10% of the valuation minimum annual rental \$25.00.

- Municipal office as land agency 13 Where it is deemed expedient, and by agreement with the municipality, a Secretary-Treasurer or Secretary-Manager may be appointed by the government as its land agent. (This should not be confused with the Sole Vendor agreement mentioned in Section 55.) For the guidance of municipal officers acting as agents a summary of agency functions is given in Appendix B. Remuneration to the municipality will depend on the volume of lands business.

Acquisition of Land for Re-sale by Villages, Towns and Cities

- Qualifications 14 Municipalities will have an increasingly active part in the disposal of public lands, but before acquiring lands for re-sale should

have zoning by-laws in effect, covering all lands within their boundaries; lands not intended for current development should be zoned off as 'urban reserve' or similar category,

be developed to a stage of readiness to conduct lands business, and

have village or higher status.

- Land Price 15 Land will be sold to municipalities at the Federal or Territorial Government's known or estimated cost of development to date, subject to a minimum price of \$75 per acre.

- Re-purchase by a government 16 Land sales to municipalities are made with the understanding that if the Federal or Territorial Government requires part of the same land at a later time it may buy back at the municipality's cost to date.

- Prior Applicants 17 In the disposal of land to a municipality the Director of Local Government may attach such conditions as he deems necessary to ensure the rights of any prior applicants or occupants.
- Land Proposals 18 A municipal land application must be accompanied by a written proposal stating the purpose for which the land will be re-sold and the method of advertising and disposal.
- 19 If the land is unsurveyed the municipality will supply a sketch, name a surveyor and in due course pay the survey cost.
- 20 Proposals must be submitted under authority of the municipal council. This does not rule out preliminary discussions and sketches.
- Sub-division areas 21 Although municipalities may acquire individual lots and blocks of land for re-sale their most important role is the development of larger Subdivision Areas. Municipalities are urged to look three years ahead of current needs.
- Phase I 22 Phase I begins with the municipality's submission of a Subdivision Area proposal, which should include
- a name or block number by which it can be identified and referred to,
 - a statement of the proposed land uses and the need for such land,
 - a sketch for perimeter survey of the proposed Subdivision Area, and preliminary sketches of proposed internal surveys of lots, streets, etc,
 - an outline of the kind of services proposed and their relation to existing water, sewer and power line capacities,
 - a note on soil conditions and any physical problems known at the time,
 - a note on any private land rights within the Area and the municipality's proposed arrangements in regard to them,
 - a preliminary estimate of the cost of developing the Subdivision Area and an outline of the proposed staging and financing, including any debentures, grants or other assistance which will be sought from the government, and
 - such other information as the government may request during discussion of the proposal.
- 23 Upon the government's approval in principle of the

municipality's application and proposal

- the government will ask the Surveyor-General to issue instructions to the municipality's surveyor for the survey of the perimeter of the Subdivision Area, and

the government and municipal officers will consider the steps required of each in getting the survey approved and filed and the lands conveyed, and will prepare a check-list of the same in proper sequence.

- 24 The municipality will handle the negotiations with any private occupants whose land should be incorporated in the Subdivision Area, making suitable agreements for the purchase or exchange of land or, failing agreement, making changes in subdivision design.
- 25 The municipality will inform the government of any significant changes required in the proposal and development as originally outlined and approved.
- 26 The municipal office will monitor the check-list and expedite the paperwork, advising the government when action is required of it.
- 27 The government will convey title to the municipality in the Subdivision Area as soon as the perimeter survey has been filed and any necessary payments made.

- Phase II
- 28 Internal subdivision surveys and the development of the land (now owned or soon to be owned by the municipality) may be conveniently referred to as Phase II of the proposal and project. The following conditions apply:

The municipality as land owner issues instructions to its surveyor, but under the Land Titles Act the proposed layout (sketch), and the survey plan, must be approved by the Commissioner.

The government may require additional definitive data on internal subdivision design, service lines, accesses, easements, traffic patterns in relation to adjoining areas, drainage, soil stability and other features which, during Phase I, were outlined in preliminary form.

The government will require more exact information on staging, financing and financial assistance.

Sections 24, 25 and 26 will continue to apply.

- Variations
- 29 Phases I and II of a Development Area proposal may of course overlap to some extent. It is also possible -- especially in the case of a small Subdivision Area -- for both Phases to be combined.

- 30 Municipal offices are expected to become familiar with

the legal requirements and procedures -- and to deal with paper work -- involved in lands business. Guidance or assistance will be given where needed. Legal descriptions of land often present special difficulties, and these the government is prepared to inspect or draft on request. (See 50, 53 and subsequent paragraphs in Appendix "A").

Payment
for land

31 If the price of the land is more than the municipality can pay at the time of conveyance two courses of action are open:

the municipality includes the land price as one of its Subdivision Area costs, to be paid from the debenture loan, or

the government accepts a partial payment and debits the balance against the municipality's land account, with the understanding that payment will be made as and when possible from the proceeds of land sales.

Leases to
Municipali-
ties

32 Where it is not possible or feasible to convey title to a municipality the government is prepared to grant a lease with authority to sub-lease; the municipality to assume any liabilities arising from actions of sub-lessees. However, full conveyance of land to the municipality is preferable to leasing and will be the general rule.

Inter-
govern-
ment trans-
actions

33 The government reserves the right, where warranted, to handle its own land transactions with other government departments or agencies, subject of course to the usual consultation with the municipality in regard to land use.

Land
Assemblies

34 Municipalities faced with major new land requirements might also consider the land assembly schemes available through the Central Mortgage and Housing Corporation. An arrangement is possible whereby the Corporation, the Territorial Government and the Municipality share costs -- and the proceeds from land sales -- on a 75-15-10% basis. Authority for such participation is given in the Municipal Ordinance. Provision for land assemblies has also been made in the N.W.T. Housing Corporation Ordinance.

Disposal of Land by Cities, Towns and Villages

Sale Price

- 35 A municipality should recover not less than its total costs directly incurred in the acquisition and preparation of land for sale.
- 36 Administration, including office time, may be reckoned as a cost, according to a formula set by the municipality.
- 37 A municipality may not reckon as part of its land costs any grants paid by the government toward the development of municipal land for sale.

- Lands fund 38 When selling land to private individuals or groups a municipality may take a reasonable profit, thus building up a fund for future land projects.
- 39 Such funds must be kept in a separate capital account to be used for the acquisition and development of land for re-sale.
- 40 A municipality may establish its valuation of land for sale or lease to individuals or groups by
- (a) calculation for recovery of all costs,
 - (b) calculation for recovery of all costs, plus a reasonable profit margin,
 - (c) calling for bids on price, above an advertised minimum not less than the cost of acquiring and preparing the land, or
 - (d) setting at fair market value established by a professional assessor or appraiser.
- Advertising 41 A municipality must not dispose of any land until it has been advertised at least twice in a newspaper which has local circulation or, if there is no such newspaper, in notices posted in six prominent places over a period of at least two weeks. The minimum requirements for such advertising are that the size and location of the lots be shown on a sketch drawn to scale, that the prices (or tender conditions) be stated, and that interested persons be told where, when and how to make application for the land. Other options and conditions are given below. Paragraph 48 lists the only exceptions to the requirement for advertising.
- Public 42 A municipality will decide whether, and under what tendering conditions, formal tenders or bids will be asked from prospective buyers or lessees. Guidelines are provided in Appendix "C". These are not mandatory but indicate the most important features and options which are part of standard practice, and which ought to be considered when advertising land at set prices or when inviting bids. In this regard the government demands only that a municipality's procedures be such that all applicants or bidders have a fair and equal opportunity.
- Re-adver- 43 If an application for land is withdrawn, or if any lease tendering tising or sale agreement is surrendered or terminated prior to the construction of improvements, the land must be publicly advertised again before it is sold.
- Re-zoned 44 If a parcel of land is rezoned and thereby becomes Land available for sale it must be publicly advertised before sale, in the usual manner, and may not be committed for sale in advance, even though re-zoning was done at the request of an individual.
- Bulk Purchases 45 A municipality must ensure that individual home builders

have preference, during the first period of sale of residential lands, over bulk buyers, i.e., those who wish to buy and develop more than one lot at a time. An exception to this would occur in a subdivision developed expressly for a government or corporation.

- Municipal statement 46 Each municipality having lands for sale will by council resolution issue a statement of the municipality's policy and procedure in the disposal of lands, which statement must accord with the Ordinances and with the Government's policy requirements, and in addition will contain such provisions as will
- (a) govern all aspects of municipal lands business in ways that are manifestly in the public interest and fair to all concerned, and
 - (b) make clear to all the procedures and conditions for acquiring land.
- The procedures must be adequate for situations where more than one person has applied for the same land, and for any other situations where conflict may arise. An up-to-date copy of the municipality's statement must be kept on file with the Territorial Government, and copies must be available for any interested persons at cost of printing. A copy must also be available for reading with the municipal lands ledger described below.
- Municipal lands ledger 47 A municipality having lands for sale must keep a ledger listing all lands owned by the municipality (or to be disposed of through the municipality), setting forth the identification and location of each parcel, the valuation for sale, the conditions for disposal and any disposition or commitment made. The ledger, showing current and previous dispositions of land since it was set up, must be open to the public during normal business hours.
- Exceptions 48 The only exceptions to the foregoing requirements for advertising are to be approved by the government and are
- (a) in regard to lands which will be retained or bought back by the Federal or Territorial Government,
 - (b) in regard to a parcel or remnant of land which can be of use only to an adjoining owner, in which case the price will be determined by an independent appraisal, or
 - (c) in regard to a public service facility having a specific type of land requirement, e.g., Telesat Canada Ltd. or a Crown Corporation such as NTCL.
- Advance arrangement 49 Where the time factor is urgent, a municipality may, with written consent of the government, advertise and make commitment for the disposal of land not yet under title to the municipality.

- Ensuring use of land 50 Every disposal or commitment of municipal lands must be in writing and all leases and agreements for sale, and all transfers of land, must be under such terms and conditions as will bind the lessee or purchaser to complete his improvements within a specified period of time or forfeit his land right.
- By-laws authorizing land disposal 51 A municipality having a large number of subdivided lots for disposal would find it cumbersome to pass a by-law for each sale. This can be remedied by passing one by-law describing all of the lands and setting forth a schedule of prices. The by-law should contain a provision that the sale of any lot at the scheduled price may be authorized by resolution of the Council.

Management of Quarries by Cities, Towns, Villages and Hamlets

- Delegation of management 52 The government is willing to delegate to the municipalities the management of selected quarries which are not required for the highway program. Now being prepared is a special form of agreement authorizing a municipality to manage and operate a quarry for a period of ten years, or for the usable lifetime of the quarry, whichever is less.
- Responsibilities 53 A municipality managing a quarry on behalf of the government would be responsible for safety in its operation and maintenance as required by the Mining Safety Ordinance, and for the reclamation or restoration of the pit when quarrying is discontinued.
- Royalties & charges 54 The municipality will collect a fee per cubic yard of material sufficient to cover the cost of quarry development, management and final restoration. The municipality will also collect and remit to the government any royalties due under the Commissioner's Land Regulations, and will keep such records and render such accounting as is called for under the agreement.

Cities and Towns as Sole Vendors

- 55 The government is prepared to negotiate with any city or town an agreement whereby the municipality will become, within its boundaries, the sole vendor of Commissioner's lands to private individuals and groups. Such agreement will supersede Sections 6 to 12 of this paper; all other sections will continue to apply. When a municipality has agreed to act as Sole Vendor:
- (a) the municipality will pass such by-laws or make amendments of by-laws as will confirm the adoption of the government's Municipal Lands Policy and Practice, and will set forth such additional policies and procedures of the municipality as will form a clear guide for both the public and the councillors and officials of the municipality in the conduct of lands business (see section 46);

- (b) the government will cease to entertain applications from private individuals and groups for lands within the municipal boundaries;
- (c) in consultation with the municipality the government will set priorities and make arrangements for the listing and conveyance of all disposable surveyed Commissioner's lands to the municipality, and will make the conveyances as speedily as possible;
- (d) the government will supply the municipality with maps, plans and land information required in all aspects of its lands business; and
- (e) if no agency appointment has been made as provided in Section 13 above, the government may appoint the Secretary-Treasurer of the municipality as its agent for all disposable Commissioner's lands in the area.

APPENDIX "A" - STATUTORY PROVISIONS AND LEGAL ASPECTS

Governing Land Use and the Survey and Conveyance of Land

- 1 There are in force more than 50 acts, ordinances and regulations affecting the survey, conveyance and use of land, but most of them apply to special situations not commonly met with in day-to-day operations. Depending upon his particular area of concern, a person engaged in lands business should have a working knowledge of some or all of the following:

Territorial Lands Act	)	
Territorial Lands Regulations	)	
Territorial Land Use Regulations	)	Federal
Canada Lands Survey Act	)	
Land Titles Act	)	
Land Titles Plans Regulations	)	
Commissioner's Land Ordinance	)	
Commissioner's Land Regulations	)	
Municipal Ordinance	)	
Area Development Ordinance	)	
Area Development Regulations	)	Northwest Territories
(A set of Area Land Use Regulations) and a Planning Ordinance are in course of preparation)	)	

The legal conditions and requirements pertaining to lands in the Northwest Territories are described in general terms in the following paragraphs.

Primary Land Rights

- 2 The fundamental or primary land right includes the right to use the land, or to sell or lease it to other persons. When a government holds the primary land right it is said to have administration of the land; a government may dispose of the primary land right to an individual or corporation who then holds the right in the form of a land title. These are discussed in more detail in the next two sections.

Administration

- 3 Unless otherwise disposed of, all land in the Territories is under Canadian Law vested in Her Majesty the Queen in Right of Canada, and is under the administration of the Minister of Indian and Northern Affairs.
- 4 By Orders-in-Council, issued on the recommendation of the Minister, the administration of any such lands can be passed to the Northwest Territories. Technically it is still Crown Land, but the Territories may use, sell or lease the lands and have the proceeds thereof. The same status applies to any lands in roads, streets or lanes which have been legally closed off

and which are within an area of land under the administration of the Territories. By order of the Commissioner, land under the administration of the Territories can be returned to the administration of the Federal Government. Orders-in-Council are also used to reserve land for a specific purpose or for a Crown Corporation, or to transfer administration to another government department.

- 5 Transfers of administration of land as described above may be made whether or not the land has been surveyed.
- 6 Crown Lands under the administration of a federal department are conveniently referred to as Federal Lands; those under the administration of the Northwest Territories are referred to as Commissioner's Lands.
- 7 Transfers of administration to the Territories are limited to surface rights which include roadways, timber and quarrying, but not mines or minerals, oil or gas. Also excluded are the beds of all bodies of water. It is understood too that lands already under title are not included in such transfers.
- 8 Neither the Federal nor the Territorial government may sell land within 100 feet of a territorial or provincial boundary without the special authority of an Order-in-Council, though leasing is permitted. The same applies to land within 100 feet of ordinary high water mark of a navigable water. The term "navigable" is quite broad and may include the smallest stream if it connects one navigable water to another; final definition in specific cases rests with the Ministry of Transport.
- 9 Commencing in 1970 the Federal Government began transferring to the Territories the administration of all disposable land in and around the towns and settlements. Each Order-in-Council is followed by a list of exceptions from the transfer, and these include all lands reserved for the use of Indian and Northern Affairs or other Federal Government departments or agencies. Where necessary, as in the case of unsurveyed land, the list is accompanied by sketch plans.
- 10 As of August 1972 the following lands had been transferred to the administration of the Northwest Territories: Yellowknife, Inuvik, Rae and Edzo, Frobisher Bay, Fort Smith, Fort Simpson, Aklavik, and Fort Providence, Hay River, Enterprise and Norman Wells were next on the list.
- 11 Within settlements whose lands have not yet been transferred to the Territories by Order-in-Council, the Territorial Land Agents act for both the Federal and Territorial Governments.

Land Titles

- 12 Whereas transfers of administration may deal with surveyed or unsurveyed lands, titles cannot be issued except within a surveyed parcel of land; a title may cover the whole of a lot or group of lots, or a parcel of land within a surveyed block or lot described by metes and bounds. The authority for the grant of a land title was formerly given by the cabinet in the

form of "letters patent" but more recently this has been replaced by a form of Notification which may be issued under the authority of the Minister or, if Commissioner's land, by the Commissioner. The Notification is passed to the Land Titles Office. A fee of \$10.00, payable to the Government of the N.W.T. is charged for each Notification issued by the Commissioner.

- 13 The issuing of land titles is a Federal function performed by the Registrar of Land Titles. His office is entirely separate from the offices of Local Government and other Territorial and Federal Land Offices, which perform only the agency functions. The Land Titles Office registers or files several kinds of documents in addition to land titles, including legal plans of survey. Each survey plan is given a Land Titles Office (LTO) number, which must appear on any conveyances and titles based on that plan. The Land Titles Office is in Yellowknife.
- 14 The holder of land under title may convey ownership of the land to another person or to a corporation or government by means of a properly executed (signed and witnessed) Land Transfer. (See Par. 38).
- 15 The Registrar of Land Titles maintains each original title in a bound volume and issues a duplicate certificate of title to the owner. Every land transfer document must be accompanied by the duplicate certificate of title; if all the land in the title is being transferred, the title will be cancelled; otherwise the named portions will be deleted and the duplicate certificate of title, as amended, will be returned to the transferor.
- 16 Land under title may be expropriated or may, by order of a Judge following tax sale proceedings, be transferred to a municipality or other government, but these are rare exceptions to the usual processes of land conveyance.
- 17 Referring to the primary land right, we may now refer to three categories of land: Federal, Commissioner's, and Private (under title). Private land under title to a municipality is often referred to as Municipal Land, making a fourth category. The term 'public land' may refer to Federal, Territorial or Municipal land.

Secondary Land Rights

- 18 If the holder of the primary land right decides to grant a secondary right to another party, he usually does so through a lease or an agreement for sale. These, and any other form of written or oral agreement, may be referred to as contracts.
- 19 In plain English the word "contract" usually refers to the document on which it was written out and signed, but there is a legal aspect worth noting. In a court of law the document and the contract are not the same thing; the document is evidence of the existence of a contract, and anything said or written about it might also be taken as evidence of the nature of the contract. Obviously, what is written is less subject to later

argument and the implications of all this are clear for those who grant leases, sale agreements or any form of secondary land right:

- (a) understandings that are reached must be put in writing, and signed and sealed by both parties,
- (b) the writing should state all conditions that are intended,
- (c) its meaning should be unmistakable, and
- (d) what is said or written about the contract should not imply any changes that are not intended.

Applications

- 20 Persons seeking to lease or purchase Commissioner's or Federal Land are required to make application on a prescribed form which, when properly completed, will include statements of the intended use of the land, the kind of improvements which will be built on it and their estimated cost, also a sketch or sketches showing the location and dimensions of the land, and the location of the proposed improvements. Applicants for Commissioner's land must furnish an initial deposit of \$25.00. A land application from a municipality may take the form of a letter stating the municipality's intentions and giving all required information.
- 21 An application does not in itself convey any rights to land.

The approval or rejection of a land application rests finally in the power of the Director of Local Government or, if the land is Federal, the designated land headquarters of Northern and Indian Affairs.

Agreements for Sale

- 22 The standard agreement for sale made by the Federal or Territorial Government calls for payment of 20% of the land purchase price on execution, and of the balance in four similar payments over the next four years, plus interest on outstanding balances. The purchaser is bound to construct his improvements within a stated period, usually 24 months.
- 23 It is understood that the purchaser will pay the costs of a survey if one is required, and that upon maturity of the agreement in good standing a land title will be issued to him. An agreement for sale is not acceptable as security for mortgage purposes.

Leases

- 24 Leases may be arranged for any term up to 30 years, at an annual rental rate of 10% of the value at which the land would normally be sold. The minimum rental for any lease is \$25.00. The privilege of sub-leasing is not normally granted except to a municipality. A lessee may surrender his lease at any time on a form provided. A lease may or may not include an option

to buy; if the option is included and a survey is required the lessee must pay survey costs. Renewal of a lease may or may not be included in the terms; if granted the renewal takes the form of a new lease effective on expiry of the old one. If the lessee is to make improvements on the land he must do so within a stipulated time, usually 24 months.

- 25 Overholding tenancies are sometimes permitted after the expiry date of a lease

where the renewal lease is delayed, or
where it is decided that occupancy may continue for
a short or indefinite time, or
where some adjustment of boundaries is to be negotiated
for the renewal lease.

- 26 A Lease rather than an Agreement for Sale is preferable

where the land is unsurveyed, or
where it is needed for a limited time, or
where changing conditions or re-planning make
a long-term commitment inadvisable, or
where the applicant intends to seek mortgage
financing (in which case the lease term is
5 years beyond the term of the mortgage).

- 27 If the land is surveyed the lease may be registered in the Land Titles Office and a Leasehold Title for a similar term of years may be issued; a mortgage may then be registered against it in the same office.

Other Rights

- 28 Outright Land Sales may be arranged with municipalities or other corporations where cost-sharing arrangements are made and it is in the public interest to convey title at an early date. The agreement for sale in such an instance takes the form of a proposal and exchange of correspondence.

- 29 Reservations of land may be granted for stated or indefinite times, in the form of Orders-in-Council, Commissioner's Orders or written understandings. A reservation is usually an inter-government arrangement, pending eventual transfer of administration of the land, but in certain instances it is standard procedure. The Northern Canada Power Commission holds no land; what land the Commission requires is reserved for it by the Department of Indian and Northern Affairs.

- 30 Permission to Occupy may be granted to a successful land applicant who wishes to make an immediate start on construction and whose lease or agreement is not yet ready for execution. In other rare instances it may be granted for very short term or seasonal occupancy where leasing is not considered feasible.

- 31 Easements exist in a variety of forms, from an exclusive right such as might be held by a railway or power company along its roadbed or transmission line, to a simple right of access held by someone whose land parcel cannot be reached except through

a portion of another's land. In between these are such rights as may be held by municipalities, other governments, or utility companies, to construct service lines in or above public or private land and to enter upon the land for repairs or maintenance. An easement may be shown on a legal survey or may be described on a land title; it may take the form of an unregistered agreement between the land owner and the person requiring access. An easement may be held or reserved by the government on behalf of a municipality or power company. In all cases the easement must be granted, or consented to, by the holder of the primary land right. Under Common Law, in some instances, long use of land may create easements as valid as those formally granted by holders of primary land rights.

- 32 "Squatters" The N.W.T. has no statutory provision respecting squatters' rights but there may be certain rights under Common Law; in any case there is a moral obligation to protect the interests of northern residents, particularly those who built houses at a time when there were no provisions for leasing of land. It is Government policy that they should be given an opportunity to "regularize" their occupancies by acquiring leases or, if it is in the public interest to clear the land, make some satisfactory arrangement for alternative housing or the removal of the dwelling to other locations. Often it is expedient simply to allow occupancy to continue for the lifetime of the building or the occupant. If their use does not conform to zoning established at a later time, the same should be allowed to continue as a "non-conforming use" for the lifetime of the building or until some other satisfactory arrangement is negotiated.

General

- 33 Cancellation of a lease, sale agreement or other land right can only be done by the Director of Local Government or, if the land is Federal, by the appropriate Federal lands officer; it is not a prerogative of the Land Agent.
- 34 Administration^{*} of lands business and of existing contracts is in many respects a matter of established policy and procedure, but the legal implications cannot be overlooked at any time. Where cancellations, prosecutions or other actions are taken, in or out of the law courts, the manner in which the business was conducted may decide the outcome. For instance, where it is apparent that warnings were not given to a trespasser or to a delinquent lessee or purchaser, or where the holder of a land right was not made to clearly understand the terms and conditions of his contract, the implication of unfairness might prejudice the case under common law.
- 35 Taxes that are levied on land and improvements are payable by the occupant who holds a lease or agreement for sale from the

* Note that the word "administration" is used here in the sense of managing, not in the sense of "having administration" as described in Paragraphs 2 and following.

Federal or Territorial Government, even though the lessee or purchaser is not the registered owner of the land. (For lands not under lease or sale a 'grant in lieu of taxes' is paid by the government concerned.)

- 36 Assignment of a lease or sale agreement to another party may be made with the Director's consent, on a prescribed form. Such assignments are unconditional; A assigns his lease or agreement to B for a stated consideration, and B takes over all of the benefits and all of the obligations of the contract for the balance of its term; the only change in the contract is that B, not A, is henceforth the lessee or purchaser.
- 37 Partnerships, Limited Companies, Societies and Co-operatives which are not duly incorporated or registered and in good standing in the Northwest Territories, may not obtain title to lands in the N.W.T. The wisdom of such restrictions is apparent when we consider the kind of difficulties which can arise in dealing with, or settling the interests of, an "unknown quantity" of persons. The same principle is advisable in the granting of leases, sale agreements or other secondary rights to land.
- 38 Execution of Leases, Sale Agreements, Transfers or other land contracts or conveyances is usually a simple matter, but one requiring careful attention to detail. An individual signs before a witness, who then makes a signed declaration before a Commissioner for Oaths or a Notary Public. On behalf of a corporate body, a document is signed by its authorized officer(s) and the corporate seal is affixed. A solicitor should be consulted on forms of contract to be used, and in any situation which does not fit the standard form.

Land Uses

- 39 The term "land use" is applied in two distinct situations:
 - (1) the control of land use according to zoning by-laws or other forms of regulations whereby certain zones are set aside for residential use only, others for commercial, industrial, institutional, or other types of development (this is related somewhat to the control of building standards through the issue of permits, in that Area Development Regulations usually cover both aspects.)
 - (2) the control of land use -- including transportation overland -- to prevent unnecessary damage to the environment or its resources, i.e. the kind of controls provided for on Federal land by the Territorial Land Use Regulations, and contemplated for Commissioner's land by similar regulations.
- 40 Zoning is a familiar subject to municipal councillors and officials, though often a frustrating one. Some of the difficulties which lie in the way of major re-planning may be overcome by the Planning Ordinance now in course of preparation; if enacted it will provide authority where needed for the correction of old land use patterns which the municipality considers to be no longer valid.

- 41 Under the Area Development Ordinance the Commissioner may establish regulations for land use zoning and the issue of building permits within the areas outside municipal boundaries. Control of land use may also be exercised, as provided in the Yellowknife Watershed Area Development Regulations, to protect the purity of the local water supply. Regulations have yet to be made for many of the outlying areas, and for the lands bordering the Mackenzie Highway.
- 42 Non-conforming Uses are legally permissible where zoning by-laws or development regulations have been passed subsequent to the land occupancy. For instance, a residential land use might be permitted to continue in a zone since designated as commercial, for the lifetime of the building. Here again, as in the "squatter type" cases mentioned in Paragraph 32, regulations must yield somewhat to the human problems of a fast-changing territory; in some of these cases, if they were brought to court, regulations might yield to the common law.
- 43 Unauthorized Land Use is frequent enough to deserve some mention here. All too often a land applicant proceeds with construction immediately he learns that the local council has recommended in his favour, thus contravening two laws:
- (a) the by-law of the municipality, under which he must first obtain a building permit, and
 - (b) the Federal or Territorial statutes and regulations, under which he must not proceed without written permission (which cannot be given until final approval of the application).
- 44 Land Use Regulations are a recent arrival on the scene, spurred by the realization of needless damage done to the ground cover, the drainage pattern and the resources of certain areas by careless and poorly planned operation, particularly with heavy equipment. In the north, where restoration of the environment by natural growth is extremely slow, the penalty for a damaging offense has been set quite high. Territorial Land Use Regulations apply in all Federal lands within designated Land Management Zones. Comparable measures are being considered for the protection of Commissioner's lands in and around the population centres, and the municipalities will be consulted in due course.

Legal Surveys of Land

- 45 Legal Surveys and Plans may be made to define areas of land for sale or lease, easements of all kinds, streets and roads, mining leases, reservations or any form of land right or occupancy. Standard posts, pins and other monumentation are placed in any new ground that is under survey. Disturbing or removing them is unlawful. A plan drawn to scale from measurements of distances and directions between monuments completes the aim of the survey, i.e. to show the boundaries of each area in ways that are unmistakable and beyond dispute, and thus to form part of the legal protection of a land right. The original plan is drawn on what is commonly called a "linen", high quality transparent material

from which other transparencies and prints may be made. A legal survey can be made only by a qualified Dominion Land Surveyor.

- 46 Before a plan of survey can be presented for filing in the Land Titles office it must bear the signed approval of the Surveyor-General of Canada (Dept. of Energy, Mines and Resources, Ottawa.) A Canada Lands Surveys Records (CLSR) number is also given, and this number is usually quoted when communicating with Ottawa. (In certain instances an additional Field Notes plan is prepared and given its own CLSR number; confusion can be avoided by using for legal purposes only the plan which bears an LTO number as well as the CLSR.) A survey is made under authority of either the Canada Lands Surveys Act, or the Land Titles Act; in rare instances a large survey may proceed under both acts.
- 47 Compiled Plans may be made in Ottawa from existing legal plans of survey. A larger plan may be compiled from a number of smaller ones, or the land in a closed-off thoroughfare may be re-surveyed as a parcel or lot. In the latter case it may be called an explanatory plan. These plans are numbered, filed in the Land Titles Office and used for legal purposes. The Surveyor-General determines in each case whether a plan may be compiled from existing surveys or whether a new survey must be made on the ground.
- 48 Lands Under Title must be surveyed according to the Land Titles Act. A survey cannot proceed without consent of the owner of the land, and must also be approved in sketch form by the Commissioner. When the plan of survey is ready it cannot be filed in the Land Titles Office until it has the signed approval of the Commissioner and the Surveyor-General, and has been executed by the owner.
- 49 Lands Under Administration of the Federal or Territorial Government are surveyed according to the Canada Lands Survey Act. The government having administration prepares or approves a sketch of the proposed survey and requests the Surveyor-General to issue instructions to a named Surveyor. Upon final approval of the government concerned, and the Surveyor-General, the plan is presented to the Land Titles Office for filing.
- 50 Land Descriptions for by-laws, titles or conveyances are always based on existing legal surveys. If an entire lot or group of lots is involved the description may be made in this style:

The whole of Lots Nine (9) and Ten (10) in Block Twenty-four (24) in the Town of Fort Cool in the Northwest Territories, according to a plan of survey filed in the Land Titles Office under Number 618.

If a portion of a lot, or if land within a closed-off thoroughfare is to be described, the above form must be modified and considerably extended, usually by a metes and bounds description of the land. Work is being done now on a series of model descriptions to fit various situations, but until this is completed persons not familiar with the subject must obtain the advice of experienced surveyors, solicitors or land officers.

- 51 Group Lot Surveys are those which bear, in addition to the usual

lot numbers (or block and lot numbers), a Group Number taken from a map on which the Territories have been divided into numbered sectors. This Group number is a convenient way to identify the general location of the survey, and where there is no settlement or municipality it may be the only way, but care must be taken, when referring to legal surveys, that the Group Number is quoted if there is one; otherwise there may be confusion with the lot number series of ordinary Townsite (non-group) surveys.

- 52 Reference Plans: A reference plan comprises on a smaller scale all of the legal survey plans in a municipality or settlement. The boundaries of each survey and its CLSR or LTO number are shown. If drawn in the Surveyor-General's office the reference plan itself bears a CLSR number, but a reference plan is never filed in the Land Titles Office or used as legal basis for titles or conveyances. The value of a reference plan lies in its comprehensive view of all the legal surveys in the locality, and the ease with which any one of them can be identified and brought forward. Reference plans should not be confused with compiled plans (Par. 47) which contain all of the features of the original surveys and are themselves legal plans of survey.
- 53 Municipal Lands. Many of the legal provisions described above, and especially those governing land contracts, apply to Commissioner's or Federal Land, but are of interest to Municipalities as recommending bodies and, in some cases, as Agents of the Government. General legal principles (for example those enunciated in Paragraphs 19, 26, 32, 34, 37, 38, 50, etc.) are as valid for a municipality as for any government.

By-Laws

- 54 Specific legal requirements in municipal acquisition and disposal of land are given in Section 164 of the Municipal Ordinance; those concerning the closing and opening of thoroughfares are given in Sections 150 to 153. It is understood that in such by-laws the land areas concerned must be described in a form that is legally correct, and that our standard in this regard is acceptability in the Land Titles Office. Apart from these provisions the management of municipal lands is at the present time a matter of policy, mutual agreement and the advice given to municipalities by their own solicitors.
- 55 On succeeding pages are three specimen by-laws for the purchase and sale of land and for the opening and closing of road allowances. These are not given as models to be rigidly followed, but as examples whose form is generally acceptable, and which contain the kinds of clauses and other features required in each instance.
- 56 A by-law to acquire land should mention the intended use or disposal of the land; where appropriate, the intention should be properly enacted. Referring to Specimen By-law No. 500, if the land were being acquired 'for use as a public park' instead of 'for the use of the Works Department' this purpose should be reinforced by including in the enactments a clause such as this:

The said land shall be reserved as a public park
for the use and enjoyment of the residents of Gulhaven.

- 57 If a town or city has made provision in its annual budget for the acquisition of real property the by-law need not be designed for the approval of the Commissioner, but the fact that such provision was made should be mentioned. In By-law 500, for instance, this would be added:

AND WHEREAS a sum of money sufficient for the purchase of the said land has been included in the detailed estimates of expenditure of the Town for the current fiscal year,

and the part reading "APPROVED by the Commissioner...." would be left out. However, a Village or Hamlet by-law requires the approval of the Commissioner if it is to acquire real property, whether or not funds were provided in the annual municipal budget.

See Section 164 (2) and (3) of the Municipal Ordinance.

- 58 If three readings of a by-law are given at one session of a municipal council the unanimous consent of the members is required for the third reading, and the by-law, if so passed, should indicate such consent.

See Municipal Ordinance, Section 129, and Specimen by-law No. 520.

- 59 Where a by-law requires the approval of the Commissioner it is customary (though not mandatory) to send it to him before third and final reading. Original and two duplicate originals should be addressed to Director of Local Government, Attention: Chief, Municipal Division.
- 60 Two or more related enactments may be made in one by-law, and generally this is more convenient. (See Specimen by-law No. 540, for opening and closing of road allowances and for the purchase and sale of land.)
- 61 Upon final passage of a by-law for the purchase of Commissioner's land, or for the opening or closing of road allowances, a duplicate original or certified true copy of the by-law must be sent to the Director, Attention: Chief, Planning and Lands. This must be produced with the final documents for disposal.
- 62 A Duplicate Original of a by-law is a carbon or photostatic copy of the original document. The Duplicate original must bear the actual signatures of those who signed the original, and the engraved seal of the municipality.
- 63 A Certified True Copy bears the names of the original signers (these may be written or typed in, or may be photostats of the original signatures), the engraved seal of the municipality, and a declaration as shown on Specimen By-law No. 520. This declaration bears the actual signature of the Secretary-Treasurer (or Secretary-Manager) of the municipality, and the engraved seal.
- 64 On either kind of document -- duplicate original or certified true copy -- the actual engraved seal of the municipality is required. A photostat of the seal is not acceptable.

Remarks

- 65 The foregoing paragraphs are not intended as a substitute for the statutes and regulations, but rather as a general introduction to them and to the various legal aspects which must be considered in land management and disposal. There is no substitute for a knowledge of the rules as written, and for this the person engaged in lands business is referred to the acts ordinances and regulations listed in Paragraph 1. The Planning and Lands Division of Local Government in Yellowknife will be most grateful to anyone who suggests improvements or calls attention to any oversights, errors or uncertainties.

TOWN of GULHAVEN

By-law Number 500

A BY-LAW OF THE TOWN OF GULHAVEN IN THE NORTHWEST
TERRITORIES TO ACQUIRE REAL PROPERTY

WHEREAS pursuant to the Municipal Ordinance by-laws may be passed authorizing a municipality to acquire real property,

AND WHEREAS it is deemed to be in the public interest that the Town should purchase the lands described hereunder for the use of the Works Department,

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Gulhaven, in session duly assembled, enacts as follows:

- 1 The Mayor and Secretary-Treasurer are hereby authorized on behalf of the Town to purchase for the sum of Eight Hundred and Fifty Dollars (\$850.00) the lands described as follows:

the whole of Lots 45 and 46 in the Town of Gulhaven in the Northwest Territories, according to a plan of survey filed in the Land Titles Office under Number 432.

- 2 This By-law shall come into effect upon the approval of the Commissioner and the day of final passing thereof.

READ A FIRST TIME this 17th day of May, 1973, A. D.

READ A SECOND TIME this 17th day of May, 1973, A. D.

John P. Bagshaw
Mayor

A. J. Sinclair
Secretary-Treasurer



APPROVED by the Commissioner of the Northwest Territories

this 28th day of May, 1973, A. D.

Blair R. ...
Commissioner

READ A THIRD TIME AND FINALLY PASSED by a majority of the members of Council present this 7th day of June, 1973, A. D.

John P. Bagshaw
Mayor

A. J. Sinclair
Secretary-Treasurer



TOWN OF GULHAVEN

By-law Number 520

A BY-LAW OF THE TOWN OF GULHAVEN IN THE NORTHWEST TERRITORIES
TO DISPOSE OF REAL PROPERTY

WHEREAS pursuant to the Municipal Ordinance by-laws may be passed authorizing a municipality to dispose of real property,

AND WHEREAS the Town of Gulhaven is the registered owner of the lands described hereunder,

AND WHEREAS the said lands are not required for municipal purposes,

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Gulhaven, in session duly assembled, enacts as follows:

- 1 The Mayor and Secretary-Treasurer are hereby authorized on behalf of the Town to sell to Gerald M. Hinton, contractor, of the Town of Gulhaven, for the sum of Twelve Hundred Dollars (\$1200.00) the lands described as follows:

all that part of Lot 148 in the Town of Gulhaven in the Northwest Territories, according to a plan of survey filled in the Land Titles Office under Number 297, lying easterly of a line parallel to and perpendicularly distant 65 feet westerly of, the east boundary of said Lot 148.

- 2 The agreement for sale of the said land, and final conveyance thereof, shall be in accordance with the procedures and policies set forth in By-law Number 350 of the Town of Gulhaven.
- 3 This By-law shall come into effect upon the day of final passing thereof.

READ A FIRST TIME this 25th day of June, 1973, A.D.

READ A SECOND TIME this 25th day of June, 1973, A.D.

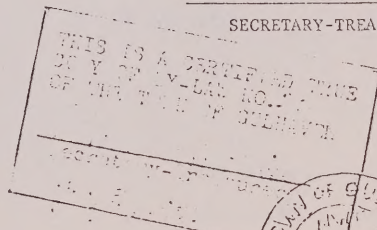
READ A THIRD TIME AND FINALLY PASSED with the unanimous consent of the members of Council present this 25th day of June, 1973, A.D.

John D. Bagshaw

MAYOR

B. J. Sinclair

SECRETARY-TREASURER



A BY-LAW OF THE TOWN OF GULHAVEN IN THE NORTHWEST
TERRITORIES TO OPEN AND CLOSE CERTAIN HIGHWAYS AND TO
ACQUIRE AND DISPOSE OF REAL PROPERTY

WHEREAS pursuant to the Municipal Ordinance by-laws may be passed providing for the opening and closing of highways and authorizing a municipality to acquire and dispose of real property,

AND WHEREAS it is deemed to be in the public interest that the lands owned by Tundra Hotels Limited be consolidated for redevelopment,

AND WHEREAS pursuant to Section 151 of the said Ordinance a Notice of this By-law, a copy of which notice is here appended as Schedule A, was published on four consecutive Thursdays in the Gulhaven Galley and was posted up on the 28th day of May, 1973, in each of six public places in the immediate neighbourhood of the highways to be opened and closed,

AND WHEREAS on the advertised day of July 4th at 7:30 P.M., the Council of the Town of Gulhaven being duly assembled to hear in person or agent any person who claims that his land will be prejudicially or injuriously affected by this By-law, no such person or agent applied to be heard,

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Gulhaven, in session duly assembled, enacts as follows:

- 1 All that portion of Lot 5 in Block 16 in the Town of Gulhaven in the Northwest Territories, according to a plan of survey filed in the Land Titles Office under Number 808, lying northerly of a line parallel to and perpendicularly distant 30 feet southerly of, the north boundary of said Lot 5, said portion being the same that is shown shaded on the sketch in said Schedule A which shall be a part of the By-law, is hereby opened as a road allowance.
- 2 All that portion of the road allowance in said Block 16 according to said Plan Number 808 commonly known as Fox Lane, which portion is shown shaded on said sketch in Schedule A and is more particularly described as follows:

commencing at a point on the west boundary of said Lot 5 perpendicularly distant 30 feet southerly of the north boundary of said lot,

thence westerly along a line parallel to said south boundary of Lot 5 to its intersection with the east boundary of Lot 10,

thence southerly along the east boundaries of Lots 10, 9 and 8 to the southeast corner of said Lot 8,

thence easterly to the southwest corner of Lot 7, and

thence northerly along the west boundaries of Lots 7, 6 and 5 to the point of commencement,

is hereby closed.

APPENDIX "B" - AGENCY FUNCTIONS

Brief Summation for Use of Municipal Offices

- 1 Within block land areas (which includes lands within municipalities) the Territorial Government (or its delegated municipality) is the agent for Commissioner's land and for any lands which are still under Federal administration and which are disposable; excluded of course are those Federal lands reserved for, and used by, various Federal Departments and Agencies.
- Land must be Free and Clear 2 No application will be received unless the land is free and clear. The land is not free and clear if
 - (a) there is a previous application not dealt with,
 - (b) there is a lease or other commitment not disposed of, or
 - (c) the land is occupied by someone other than the applicant or by improvements not owned by the applicant. If the applicant can furnish a copy of a bill of sale to indicate that the improvements are his, or about to be his, or files a sworn statement to this effect, his application may be received.
- 3 The agent will not receive any application which contravenes the local zoning by-laws or regulations.
- Filing under duress 4 If an applicant insists upon filing for land which is not free and clear or which is not zoned for the development he has in mind, the agent will receive same under duress, and will append a note of this in his submission to the local council and to headquarters. He will also advise applicant that his request cannot be considered, and the reasons why.
- Processing of application 5 Agent presents every application and inquiry, with relevant information to the local council for review.
- 6 Applications for Commissioner's lands are also submitted to Department of Local Government in Yellowknife, copy of covering letter to appropriate Regional or Area Service Office. The comments and recommendations of the local council and of the agent also follow as quickly as possible through the same channels.
- 7 Applications for Federal land are forwarded to Regional Director of Water, Forests and Lands, in Yellowknife, with a copy to Local Government and a copy of covering letter to appropriate Regional or Area Service Office.
- 8 All land applications, requests and inquiries are checked in the Department of Local Government, Division of Planning and Lands, in regard to local council's and

agent's recommendations, planning considerations, relation to Government plans and needs. Status of lands is determined from departmental records and those of the Land Titles Office.

- Final action
- 9 As a result of the headquarters check and review, the land application will be endorsed as received, endorsed subject to modifications, returned for further information, or recommended for rejection.
 - 10 In the case of Federal lands, recommendations for appropriate action will be submitted to the Federal Lands Office with a request that the land agent and local council be apprised of the outcome. In the case of Commissioner's lands, the local agent and council will be advised of the decision and lease or Agreement of Sale documents, if such are forthcoming, will be forwarded for execution in due course.
 - 11 If the matter is urgent, the agent will be authorized to extend Permission to Occupy to the applicant, pending the preparation of his lease or agreement. This, or any right that is granted, must always be confirmed in writing.
- Distinction between right of occupancy and right to construct
- 12 A clear distinction has to be made between
 - (a) the surface land right, such as a lease or sale agreement, granted by the Federal or Territorial Government (whichever has administration of the land) and
 - (b) the permission to construct, such as a building permit, which is granted by a municipality under its by-laws or, if the land is within a Development Area, by a development control officer under the Area Development Ordinance and Regulations. *

Where an applicant proposes to construct a public service facility such as a motel or service station, additional Fire Protection and Public Health requirements will apply. It is his responsibility to furnish plans and specifications to the Fire Marshall and the Public Health Inspector for approval, and to see that the municipality is kept informed.
 - 13 All too often an applicant has proceeded with construction immediately upon learning that the municipal council recommended in his favour. He must not proceed until he has both of the rights described in (a) and (b) above, as prescribed in regulations and by-laws. The Agent should give due warning to offenders and, if an
- Offenses & defaults

* NOTE: Regulations and appointments are not complete for all areas.

the services to be available in the subdivision, including power, water, sewer or utilidor, gravel or paved streets, sidewalks, etc.,

the price of each lot -- or, if bids are called for, the minimum (upset) price, and

the office where additional information -- and, if applicable, the Instructions for Tenderers -- may be obtained.

3. Additional Information & Instructions for Tenderers

An appropriate selection from the following items may be included in the advertising or made available in pamphlet form on request:

- (a) The method for deciding between applicants for the same land. (One method is to let those who appear at the opening of the land sale draw numbers, with chance to decide whose application will be taken first, whose second, etc.)
- (b) The criteria to be used in deciding between competitive tenders, other than the price factor, e.g. the benefits to the community from this or that type of proposed development.
- (c) The form of tender and information required on a proposal, such as estimated cost of improvements, drawings and specifications, lots desired, price offered (if bids called for.)
- (d) The percentage of the bid (or set) price which must be enclosed with the tender, refundable to unsuccessful tenderer. 20-25% is usual.
- (e) A statement that, following the review of bids, prices will be set on the remaining unsold lots, after which applications will be received in the usual way.
- (f) The conditions -- or choice of conditions -- for issue of sale agreement or lease. (If mortgage financing is required a Leasehold Title is ample security; lessee may have option to purchase after completion of improvements.) Include other methods, if any, by which successful tenderers will be bound to begin and complete construction within specified limits or lose the land right. Conditions under which title will be issued.
- (g) Performance bonds or other guarantees, and penalties.
- or -
Deposit to be made by a successful tenderer as a guarantee, refundable after construction is 50% complete. Usual deposit is 20% of estimated cost of improvements.
- (h) Technical information, additional to what was given

in the advertisement, such as site plans with topography shown; soil conditions, other relevant physical features; survey plan numbers in adjoining lands; other technical data required to estimate feasibilities and costs.

- (i) Building standards which will be required.

NOTE: The possibility of misunderstandings and defaults will be much reduced by care and thoroughness at the advertising stage; carelessness, on the other hand, may prejudice any case that goes to law.

